

IN RE: PETITION FOR VARIANCE
S/S Marriottsville Road,
300' E of Granite Road
(10301 Marriottsville Road)
2nd Election District
1st Councilmanic District

Walter W. Hill, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-84-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 10301 Marriottsville Road, located in the Randallstown area of northwestern Baltimore County. The Petition was filed by the owners of the property, Walter W. Hill, Jr., and his wife, Barbara C. Hill. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street centerline setback of 70 feet in lieu of the required 75 feet for an existing dwelling and from Section 400.3 of the B.C.Z.R. to permit an accessory structure height of 35 feet in lieu of the maximum permitted 15 feet for an existing barn. The subject property, improvements thereon and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Walter W. Hill, Jr., property owner, and his attorney, John G. Trueschler, Esquire. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 29.64 acres, more or less, zoned R.C.5 and is improved with a single family dwelling and accessory barn which were built approximately 250 years ago. This property was the subject of prior Case Nos. II-509 and 94-484-A in which the Petitioners were granted development

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

plan approval on July 20, 1994 for a nine-lot subdivision, proposed Lot 3 of which would contain the existing improvements. In addition to development plan approval, the Petitioners sought variance relief for a street centerline setback of 70 feet in lieu of the required 75 feet for the existing dwelling on proposed Lot 3. However, the requested variance was dismissed, apparently because the Developer was undecided at that time as to whether or not the house and barn would remain on the property. Testimony in that case revealed that a variance from height regulations would also be necessary for the existing barn to remain. The Petitioner's now come before me seeking the variance relief set forth above. Clearly, the requested variances are necessary to legitimize existing conditions and to bring the property into compliance with current zoning regulations. There were no adverse comments submitted by any Baltimore County reviewing agency and no one from the surrounding community appeared in opposition.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

ORDER RECEIVED FOR FILING

Date

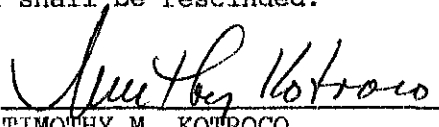
By

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of October, 1994 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street centerline setback of 70 feet in lieu of the required 75 feet for an existing dwelling and from Section 400.3 of the B.C.Z.R. to permit an accessory structure height of 35 feet in lieu of the maximum permitted 15 feet for an existing barn, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

John G. Trueschler, Esquire
40 West Chesapeake Avenue, Suite 605
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
S/S Marriottsville Road, 300' E of Granite Road
(10301 Marriottsville Road)
2nd Election District - 1st Councilmanic District
Walter W. Hill, Jr., et ux - Petitioners
Case No. 95-84-A

Dear Mr. Trueschler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Walter W. Hill, Jr.
9 Geier Court, Randallstown, Md. 21133

People's Counsel

File





Petition for Variance

95-84-A

to the Zoning Commissioner of Baltimore County

for the property located at 10301 Marriottsville Road, Randallstown, MD 21133
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

PRACTICAL DIFFICULTY - SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

JOHN C. TRIEBSCHLER
(Type or Print Name)

Signature

40 West Chesapeake Avenue, Suite 605

Address

Phone No.

Bowson, MD 21204 (410)321-0000

City

State

Zipcode

Printed with Soybean Ink
on Recycled Paper

Legal Owner(s):

WALTER W. HILL, JR.
(Type or Print Name)

Signature

BARBARA C. HILL

(Type or Print Name)

Signature

home (410)922-9666

work (410)242-2200

9 Geier Court

Address

Phone No.

Randallstown, MD 21133

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

9-2-94

85
MICROFILMED

ATTACHMENT TO PETITION FOR VARIANCE
FOR 10301 MARRIOTTSVILLE ROAD

95-84-A

PETITION FOR VARIANCE FROM SECTIONS:

1A04.3.B.3. to permit a 70 foot front yard setback in lieu of the required 75' front yard setback from the centerline of Marriottsville Road thus permitting the existing house to remain in its current location rather than be razed.

400.3 to permit a height of 35 feet for the existing barn in lieu of the maximum height 15 feet.

JUSTIFICATION FOR PETITION FOR VARIANCE

FRONT YARD SETBACK FOR EXISTING HOUSE

The petitioners would like the opportunity to preserve an existing house which they value for its character and aesthetic appeal. The front of the house is located 70' from the centerline of Marriottsville Road. Given the age and condition of the house, moving it is impossible or impractical; the risk of damage and/or prohibitive cost of relocation render compliance with the 75' front yard setback unnecessarily burdensome. Thus, strict compliance with the Baltimore County Zoning Regulations results in practical difficulty

Granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The house has existed in its current location for approximately 60 years, and therefore, the variance will simply maintain the status quo.

The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare by allowing the preservation of an existing structure which has been generally and consistently encouraged by the Baltimore County Council through legislation and by the Office Planning & Zoning policy.

EXISTING BARN TO REMAIN - VARIANCE FROM HEIGHT RESTRICTIONS

The petitioners would like the opportunity to preserve an existing barn which they value for its character and aesthetic appeal. The peak of the barn is about 35' high, thus strict compliance with the 15' height restriction imposed under section 400.3 of the Baltimore County Zoning Regulations presents the petitioner with much more than mere practical difficulty; rather compliance is physically impossible and would result in the undue burdensome requirement that the barn be razed.

Granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The barn has existed in its current location for more than 60 years, and therefore, the variance will simply maintain the status quo.

The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare by allowing the preservation of an existing structure which has been generally and consistently encouraged by the Baltimore County Council through legislation and by the Office Planning & Zoning policy.

MICROFILMED

85

SURVEY DESCRIPTION
ATTACHED

SEE FILE 94-484-A FOR ORIGINAL SURVEY DESCRIPTIONS

85

RECEIVED
FBI
JAN 10 1995

LAND SURVEYORS
S. J. MARTENET & COMPANY, INC.

ESTABLISHED 1849

190 WEST OSTEND STREET
BALTIMORE, MARYLAND 21230

(410) 539-4263

JOEL M. LEININGER
DAVID S. PAPLAUCKAS
THOMAS L. WILHELM

95-84-A

SIMON J. MARTENET	1849-1892
HARRY G. JAVINS	1871-1894
SEPTIMUS R. TUSTIN	1870-1921
J. HOWARD SUTTON	1884-1940
WILLIAM O. ATWOOD	1887-1931
SAMUEL A. THOMPSON	1898-1944
GEORGE E. WIMMER	1907-1943
HOWARD D. TUSTIN	1907-1960
HOWARD C. SUTTON	1944-1969
HOWARD D. TUSTIN, JR.	1945-1988
RICHARD R. TUSTIN	1945-1988

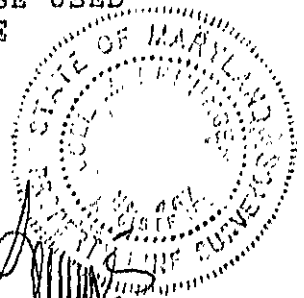
DESCRIPTION
TO ACCOMPANY VARIANCE PETITION
PROPERTY OF WALTER HILL
SECOND ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same in the center of Mariottsville
Road at a point distant South 62° 11' 23" West 300.00 feet
(measured along the center of said road) from the intersection of
the center of said road and the center of Granite Road, and
running thence, with all courses of this description referred to
the meridian established in the Baltimore County Metropolitan
District, the seven following courses and distances, viz:

- (1) South 14° 06' 15" West 557.65 feet,
- (2) North 75° 53' 45" West 200.00 feet,
- (3) South 14° 50' 30" West 125.00 feet,
- (4) North 47° 39' 29" West 260.00 feet,
- (5) North 01° 36' 20" West 300.00 feet,
- (6) North 88° 23' 40" East 317.99 feet, and
- (7) North 62° 11' 23" East 276.53 feet to the point of

beginning; containing 4.5867 acres of land, more or less.

*** NOTE: THIS DESCRIPTION WAS PREPARED SOLELY TO BE USED
FOR ZONING PURPOSES AND IS NOT INTENDED TO BE USED IN THE
CONVEYANCE OF REAL PROPERTY.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-84-A

District 2nd Date of Posting 9/16/94

Posted for: Variance

Petitioner: Walter & Barbara Hill

Location of property: 10301 Marriottville Rd., S/S

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 9/23/94

Signature

Number of Signs: 1

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118 of the Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

89-04-A (Item 85)
10301 Marriottville Road
8/6 Marriottville Road,
300' E of Granite Road
2nd Election District
1st Councilmanic

Petitioner(s):

Walter W. Hill, Jr.
and Barbara C. Hill
HEARING: WEDNESDAY,
OCTOBER 5, 1994 at
10:00 a.m. in Rm. 118, Old
Courthouse.

Variation: to permit a 70-foot front yard setback in lieu of the required 75-foot yard setback from the centerline of Marriottville Road; and to permit a height of 35 feet for the existing barn in lieu of the maximum height of 15 feet.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible for special accommodations. Please Call 887-3383.

(2) For information concerning the File and/or Hearing, Please Call 887-3381.

9/210 September 15.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

9/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/15, 1994.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

~~Publication~~

MICROFILMED



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-84-A

Account: R-001-6150

Date: 9-2-94

Item Number 85
JJP

Owner: H. H.

Site: 10301 Marriottsville Rd

010 Residential Variance \$ 50.00

080 Sign & Posting 35.00

Total \$ 85.00

MICROFILMED

01A01R03LINICRRC
BA COLL30AMD9-02-94

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 85

Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JOHN TRESCHLER

ADDRESS: 40 WEST CHESAPEAKE AVE SUITE 605
TOWSON MD 21204

PHONE NUMBER: (410) 321-0000

AJ:ggs

(Revised 04/09/93)



Printed on Recycled Paper

MICROFILMED

Item Number: 85
Planner: JJS
Date Filed: 9-2-94

P E T I T I O N P R O C E S S I N G F L A G

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or the Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

 Need an attorney

 ✓

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acreage
- Plats (need 12, only submitted)
- ✓ 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCZR section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

UNFILED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

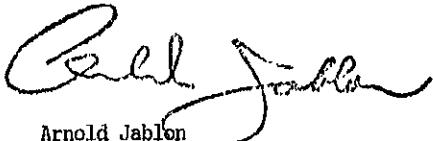
September 12, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-84-A (Item 85)
10301 Marriottsville Road
S/S Marriottsville Road, 300' E of Granite Road
2nd Election District - 1st Councilmanic
Petitioner(s): Walter W. Hill, Jr. and Barbara C. Hill
HEARING: WEDNESDAY, OCTOBER 5, 1994 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit a 70-foot front yard setback in lieu of the required 75-foot front yard setback from the centerline of Marriottsville Road; and to permit a height of 35 feet for the existing barn in lieu of the maximum height of 15 feet.



Arnold Jablon
Director

cc: Walter and Barbara Hill
John G. Trueschler, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Mr. John G. Trueschler
40 W. Chesapeake Ave., Suite 605
Towson, Maryland 21204

SEP. 21 1994

RE: Item No. 85, Case No. 95-84-A
Petitioner: Mr. Walter Hill, Jr.

Dear Mr. Trueschler:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 2, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
Zoning Coordinator

WCR:jaw

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 7, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 83, 85 and 86.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL:lw

RECEIVED

SEP 12 1994

ZADM



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

9-9-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: *£ 85 (JJS)*

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

RECEIVED
SEP 12 1994
ZADM

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Zoning Commissioner
Deputy Zoning Commissioner

September 2, 1994

FROM: John J. Sullivan, Jr.
Planner II
ZADM, Development Control

SUBJECT: Variance Petition
Item #85

During his filing appointment this morning Mr. Trueschler, the applicant, stated that he is submitting the exact copies of the legal descriptions that he submitted in zoning case #94-484-A and referring to the same case for the 200-foot scale zoning map.

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/09/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 82, 83, 84, 85 AND 86.

RECEIVED
SEP 9 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



B A L T I M O R E C O U N T Y, M A R Y L A N D
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

September 16, 1994

TO: Mr. Arnold Jablon, Director
 Zoning Administration and
 Development Management

FROM: J. Lawrence Pilson *JLP*
 Development Coordinator, DEPRM

SUBJECT: Zoning Item #85 - Hill Property
 Marriottsville Road
 Zoning Advisory Committee Meeting of September 12, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Ground Water Management

The notes on development plan pertaining to the well at the existing house on Lot 3 apply.

J
JLP:BK:TE:sp

HILL/DEPRM/TXTSBP

MSB

B A L T I M O R E C O U N T Y , M A R Y L A N D

Inter-Office Correspondence

TO: Zoning Commissioner
 Deputy Zoning Commissioner

September 2, 1994

FROM: John J. Sullivan, Jr.
 Planner II
 ZADM, Development Control

SUBJECT: Variance Petition
 Item #85

During his filing appointment this morning Mr. Trueschler, the applicant, stated that he is submitting the exact copies of the legal descriptions that he submitted in zoning case #94-484-A and referring to the same case for the 200-foot scale zoning map.

RE: PETITION FOR VARIANCE	*	BEFORE THE
10301 Marriottsville Road, S/S		
Marriottsville Road, 300' E of	*	ZONING COMMISSIONER
Granite Road, 2nd Election Dist.,		
1st Councilmanic	*	OF BALTIMORE COUNTY
Hill, Walter W. Jr. and Barbara C.	*	CASE NO. 95-84-A
Petitioners		

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to John G. Trueschler, Esquire, 40 W. Chesapeake Avenue, Suite 605, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

* Keep in zc's file!
95-84-A

John G. Trueschler
Landplanning & Design Services
40 West Chesapeake Avenue, Suite 605
Towson, Maryland 21204
(410) 321-0000 • Fax 828-0249

September 2, 1994

Baltimore County Office Of
Zoning Administration And
Development Management
111 Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Variance 10301 Marriottsville Road

Dear ZONING:

The attached Petition for Variance is a refiling of a prior Petition for Variance, Case # 94-484-A, which was voluntarily dismissed by the property owners before the hearing.

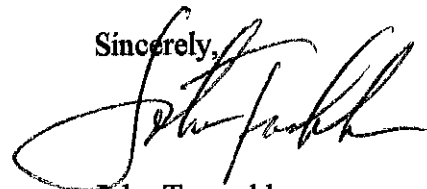
Attached are:

1. three (3) original Petitions For Variance;
2. a check for \$85 made payable to Baltimore County;
3. 12 copies of the "Site Development Plan, Final Development Plan, and Plat to Accompany Petition for Variance;" and
4. photographs of the existing house and barn.

In accordance with my discussions with your office, I am requesting that you refer to the file of 94-484-A for the required three (3) original survey descriptions of the property and one copy of the 200 scale zoning maps NW 7-K and 8-K.

If you have any questions, please give me a call.

Sincerely,



John Trueschler

The Hill Property

EXISTING BARN

85

95-84-A



NORTH & EAST SIDES OF BARN



SOUTH & WEST SIDES OF BARN

The Hill Property

EXISTING HOUSE
10301 MARIOTTTSVILLE ROAD

#85
95-84-A



FRONT (NORTH SIDE) OF HOUSE



WEST SIDE OF HOUSE

The Hill Property

EXISTING HOUSE
10301 MARRIOTTTSVILLE ROAD

85
95-84-A



SOUTH & EAST SIDES OF HOUSE



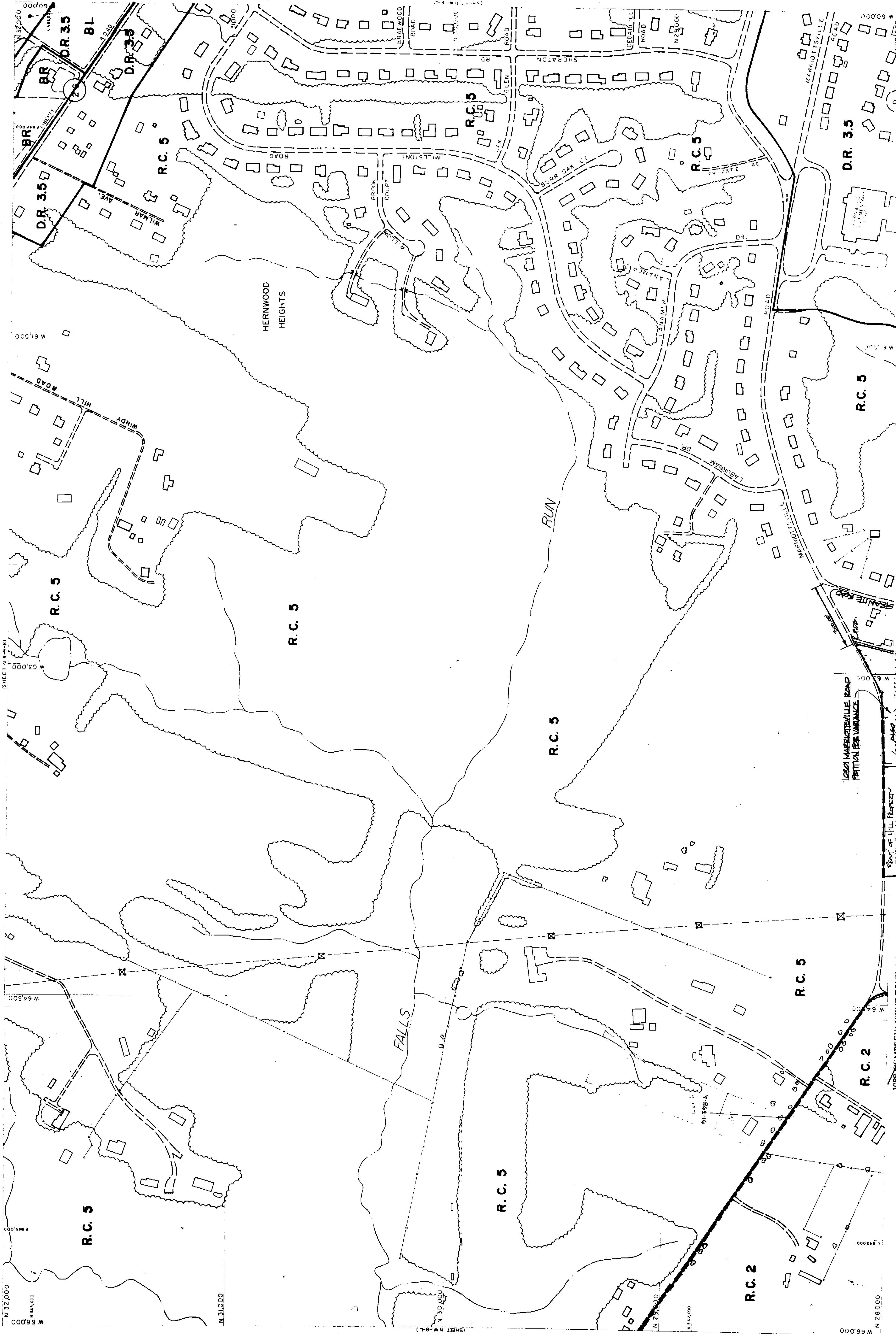
EAST SIDE OF HOUSE

200 SCALE ZONING MAPS

SEE FILE 94-484-A

85

MICROFILMED



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP 476

1988 COMPREHENSIVE ZONING MAP
Adopted by Baltimore County Council
Oct. 15, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
REVISIONS MADE BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
HARRISONVILLE
HERNWOOD

SHEET
N.W.
8-K

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 182-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Hovde
Chairman, County Council

IN RE: PETITION FOR VARIANCE
S/S Marriottsville Road,
300' E of Granite Road
(10301 Marriottsville Road)
2nd Election District
1st Councilmanic District
Walter W. Hill, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-84-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 10301 Marriottsville Road, located in the Randallstown area of northwestern Baltimore County. The Petition was filed by the owners of the property, Walter W. Hill, Jr., and his wife, Barbara C. Hill. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street centerline setback of 70 feet in lieu of the required 75 feet for an existing dwelling and from Section 400.3 of the B.C.Z.R. to permit an accessory structure height of 35 feet in lieu of the maximum permitted 15 feet for an existing barn. The subject property, improvements thereon and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Walter W. Hill, Jr., property owner, and his attorney, John G. Trueschler, Esquire. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 29.64 acres, more or less, zoned R.C.5 and is improved with a single family dwelling and accessory barn which were built approximately 250 years ago. This property was the subject of prior Case Nos. 11-509 and 94-484-A in which the Petitioners were granted development

plan approval on July 20, 1994 for a nine-lot subdivision, proposed Lot 3 of which would contain the existing improvements. In addition to development plan approval, the Petitioners sought variance relief for a street centerline setback of 70 feet in lieu of the required 75 feet for the existing dwelling on proposed Lot 3. However, the requested variance was dismissed, apparently because the Developer was undecided at that time as to whether or not the house and barn would remain on the property. Testimony in that case revealed that a variance from height regulations would also be necessary for the existing barn to remain. The Petitioner's now come before me seeking the variance relief set forth above. Clearly, the requested variances are necessary to legitimize existing conditions and to bring the property into compliance with current zoning regulations. There were no adverse comments submitted by any Baltimore County reviewing agency and no one from the surrounding community appeared in opposition.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 2 -

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of October, 1994 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street centerline setback of 70 feet in lieu of the required 75 feet for an existing dwelling and from Section 400.3 of the B.C.Z.R. to permit an accessory structure height of 35 feet in lieu of the maximum permitted 15 feet for an existing barn, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner

ORDER RECEIVED FOR FILING
Date 10/20/94
By [Signature]

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

John G. Trueschler, Esquire
40 West Chesapeake Avenue, Suite 605
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
S/S Marriottsville Road, 300' E of Granite Road
(10301 Marriottsville Road)
2nd Election District - 1st Councilmanic District
Walter W. Hill, Jr., et ux - Petitioners
Case No. 95-84-A

Dear Mr. Trueschler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

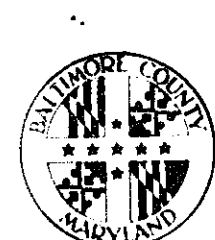
TMK:bjs

cc: Mr. & Mrs. Walter W. Hill, Jr.
9 Geier Court, Randallstown, Md. 21133

People's Counsel

File

Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10301 Marriottsville Road, Randallstown, MD 21133
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

PRACTICAL DIFFICULTY - SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that true are the legal owners of the property which is the subject of this Petition.)

(Legal Owner(s))

WALTER W. HILL, JR.
(Type or Print Name)

Walter W. Hill, Jr.
Signature

BARBARA C. HILL
(Type or Print Name)

Barbara C. Hill
Signature

home (410)922-9666
work (410)242-2200

9 Geier Court
Randallstown, MD 21133

City, Address and phone number of representative to be contacted

State Zipcode

Signature

JOHN G. TRUESCHLER
Attorney for Petitioners

40 West Chesapeake Avenue, Suite 605
Towson, MD 21204 (410)321-0000

City, Address and phone number of representative to be contacted

State Zipcode

Signature

Printed with Soybean Ink
on Recycled Paper

ORDER RECEIVED FOR FILING
Date 10/20/94
By [Signature]

ATTACHMENT TO PETITION FOR VARIANCE FOR 10301 MARIOTTSVILLE ROAD

PETITION FOR VARIANCE FROM SECTIONS:

1A04.3.B.3. to permit a 70 foot front yard setback in lieu of the required 75' front yard setback from the centerline of Marriottsville Road thus permitting the existing house to remain in its current location rather than be razed.

400.3 to permit a height of 35 feet for the existing barn in lieu of the maximum height 15 feet.

JUSTIFICATION FOR PETITION FOR VARIANCE

FRONT YARD SETBACK FOR EXISTING HOUSE

The petitioners would like the opportunity to preserve an existing house which they value for its character and aesthetic appeal. The front of the house is located 70' from the centerline of Marriottsville Road. Given the age and condition of the house, moving it is impossible or impractical; the risk of damage and/or prohibitive cost of relocation render compliance with the 75' front yard setback unnecessarily burdensome. Thus, strict compliance with the Baltimore County Zoning Regulations results in practical difficulty.

Granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The house has existed in its current location for approximately 60 years, and therefore, the variance will simply maintain the status quo.

The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare by allowing the preservation of an existing structure which has been generally and consistently encouraged by the Baltimore County Council through legislation and by the Office Planning & Zoning policy.

EXISTING BARN TO REMAIN - VARIANCE FROM HEIGHT RESTRICTIONS

The petitioners would like the opportunity to preserve an existing barn which they value for its character and aesthetic appeal. The peak of the barn is about 35' high, thus strict compliance with the 15' height restriction imposed under section 400.3 of the Baltimore County Zoning Regulations presents the petitioner with much more than mere practical difficulty; rather compliance is physically impossible and would result in the unduly burdensome requirement that the barn be razed.

Granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The barn has existed in its current location for more than 60 years, and therefore, the variance will simply maintain the status quo.

The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare by allowing the preservation of an existing structure which has been generally and consistently encouraged by the Baltimore County Council through legislation and by the Office Planning & Zoning policy.

85

SURVEY DESCRIPTION ATTACHED

SEE FILE 94-484-A FOR ORIGINAL SURVEY DESCRIPTIONS

85

LAND SURVEYORS S. J. MARTENET & COMPANY, INC.

JOEL H. LEININGER
DAVID B. NAPLAUCKAS
THOMAS L. VILLULA

ESTABLISHED 1849
190 WEST OSTEND STREET
BALTIMORE, MARYLAND 21230
(410) 539-4283

95-84-A

SIMON J. MARTENET 1849-1892
HARRY G. JAVINE 1871-1884
SEYMOUR R. TUSTIN 1871-1884
J. HOWARD SUTTON 1884-1940
WILLIAM G. WYWOOD 1887-1931
SAMUEL A. THOMPSON 1888-1944
GEORGE C. WYNNER 1897-1943
HOWARD D. TUSTIN 1907-1960
HOWARD C. SUTTON 1944-1988
HOWARD R. TUSTIN, JR. 1945-1988

DESCRIPTION TO ACCOMPANY VARIANCE PETITION PROPERTY OF WALTER HILL SECOND ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same in the center of Marriottsville

Road at a point distant South 62° 11' 23" West 300.00 feet
(measured along the center of said road) from the intersection of
the center of said road and the center of Granite Road, and
running thence, with all courses of this description referred to
the meridian established in the Baltimore County Metropolitan
District, the seven following courses and distances, viz:

- (1) South 14° 06' 15" West 557.65 feet,
- (2) North 75° 53' 45" West 200.00 feet,
- (3) South 14° 50' 30" West 125.00 feet,
- (4) North 47° 39' 29" West 260.00 feet,
- (5) North 01° 36' 20" West 300.00 feet,
- (6) North 88° 23' 40" East 317.99 feet, and
- (7) North 62° 11' 23" East 276.53 feet to the point of

beginning; containing 4.5867 acres of land, more or less.

*** NOTE: THIS DESCRIPTION WAS PREPARED SOLELY TO BE USED
FOR ZONING PURPOSES AND IS NOT INTENDED TO BE USED IN THE
CONVEYANCE OF REAL PROPERTY.

Page 1 of 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 95-84-A
Towson, Maryland

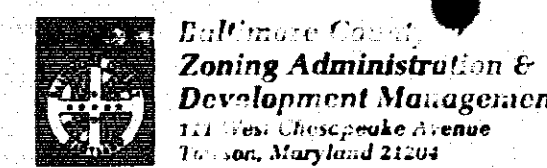
District: 2nd Date of Posting: 9/14/94
Posted for: Variances
Petitioner: Walter & Barbara Hill
Location of property: 12301 Marriottville Rd., Jp
Location of Signs: Along the driveway on property being zoned
Remarks:
Posted by: [Signature] Date of return: 9/23/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/15/94
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/15/94

THE JEFFERSONIAN,
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the following:
Case Number: 95-84-A (Item 85)
10101 Marriottville Road, S/E of Granville Road, 2nd Election District - 1st Councilmanic District
Petitioner(s): Walter W. Hill, Jr. and Barbara C. Hill
HEARING: WEDNESDAY, OCTOBER 5, 1994 at 10:00 a.m. in Room 118, Old Courthouse.
Variance: to permit a 70-foot front yard setback in lieu of the required 75-foot front setback from the centerline of Marriottville Road, and to permit a height of 35 feet for the existing barn in lieu of the maximum height of 15 feet.
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) IF YOU HAVE ANY COMMENTS CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.
9210 September 15



receipt
95-84-A
Date: 9-2-94
Item Number: 85
229
Owner: Hill
Site: 12301 Marriottville Rd
010 Resident Variance 50
080 Sign & Posting 35
Total: \$85

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 85

Petitioner:

Location:

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John Trueschler

ADDRESS: 40 WEST CHESAPEAKE AVE SUITE 605

Towson, MD 21204

PHONE NUMBER: (410) 321-0000

AJ:ggg

(Revised 04/09/93)

Item Number: 85
Planner: JJS
Date Filed: 9-2-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or the option of notifying the petitioner and/or attorney after the hearing. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney
☒ The following information is missing:
_____ Descriptions, including accurate beginning point
_____ Actual address of property
_____ Zoning
_____ Acreage
_____ Plats (need 12, only 1 submitted)
_____ 200 scale zoning map with property outlined
_____ Election district
_____ Councilmanic district
_____ BC28 section information and/or wording
_____ Hardship/practical difficulty information
_____ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
_____ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
_____ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
_____ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
_____ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
_____ Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

September 12, 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-84-A (Item 85)
10101 Marriottville Road, S/E of Granville Road, 2nd Election District - 1st Councilmanic District
Petitioner(s): Walter W. Hill, Jr. and Barbara C. Hill
HEARING: WEDNESDAY, OCTOBER 5, 1994 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit a 70-foot front yard setback in lieu of the required 75-foot front yard setback from the centerline of Marriottville Road; and to permit a height of 35 feet for the existing barn in lieu of the maximum height of 15 feet.

[Signature]
Arnold Jablon
Director

cc: Walter and Barbara Hill
John G. Trueschler, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEP 21 1994

Mr. John G. Trueschler
40 W. Chesapeake Ave., Suite 605
Towson, Maryland 21204

RE: Item No. 85, Case No. 95-84-A
Petitioner: Mr. Walter Hill, Jr.

Dear Mr. Trueschler:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 2, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,
[Signature]
W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:jwr

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 7, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 83, 85 and 86.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: [Signature]

Division Chief: [Signature]

PK/JL:lw

RECEIVED
SEP 12 1994
ZADM

ZC83-85.86/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 85 (JJS)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

[Signature]
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

RECEIVED
SEP 12 1994
ZADM

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Zoning Commissioner
Deputy Zoning Commissioner
September 2, 1994

FROM: John J. Sullivan, Jr.
Planner II
ZADM, Development Control

SUBJECT: Variance Petition
Item #85

During his filing appointment this morning Mr. Trueschler, the applicant, stated that he is submitting the exact copies of the legal descriptions that he submitted in zoning case #94-484-A and referring to the same case for the 200-foot scale zoning map.

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/09/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 82, 83, 84, 85 AND 86.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-8881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

September 16, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #85 - Hill Property
Marriottsville Road
Zoning Advisory Committee Meeting of September 12, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Ground Water Management

The notes on development plan pertaining to the well at the existing house on Lot 3 apply.

JLP:BK:TE:sp

HILL/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Zoning Commissioner
Deputy Zoning Commissioner
September 2, 1994

FROM: John J. Sullivan, Jr.
Planner II
ZADM, Development Control

SUBJECT: Variance Petition
Item #85

During his filing appointment this morning Mr. Trueschler, the applicant, stated that he is submitting the exact copies of the legal descriptions that he submitted in zoning case #94-484-A and referring to the same case for the 200-foot scale zoning map.

RE: PETITION FOR VARIANCE
10301 Marriottsville Road, S/S
Marriottsville Road, 300' E of
Granite Road, 2nd Election Dist.,
1st Councilmanic

Hill, Walter W. Jr. and Barbara C.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CASE NO. 95-84-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to John G.

Trueschler, Esquire, 40 W. Chesapeake Avenue, Suite 605, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

John G. Trueschler
Landplanning & Design Services
40 West Chesapeake Avenue, Suite 605
Towson, Maryland 21204
(410) 321-0000 • Fax 828-0249

September 2, 1994

Baltimore County Office Of
Zoning Administration And
Development Management
111 Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Variance 10301 Marriottsville Road

Dear ZONING:

The attached Petition for Variance is a refiling of a prior Petition for Variance, Case # 94-484-A, which was voluntarily dismissed by the property owners before the hearing.

Attached are:

1. three (3) original Petitions For Variance;
2. a check for \$85 made payable to Baltimore County;
3. 12 copies of the "Site Development Plan, Final Development Plan, and Plat to Accompany Petition for Variance;" and
4. photographs of the existing house and barn.

In accordance with my discussions with your office, I am requesting that you refer to the file of 94-484-A for the required three (3) original survey descriptions of the property and one copy of the 200 scale zoning maps NW 7-K and 8-K.

If you have any questions, please give me a call.

Sincerely,
John Trueschler
John Trueschler

The Hill Property
EXISTING BARN



NORTH & EAST SIDES OF BARN



SOUTH & WEST SIDES OF BARN

The Hill Property
EXISTING HOUSE
10301 MARRIOTTSSVILLE ROAD



FRONT (NORTH SIDE) OF HOUSE



WEST SIDE OF HOUSE

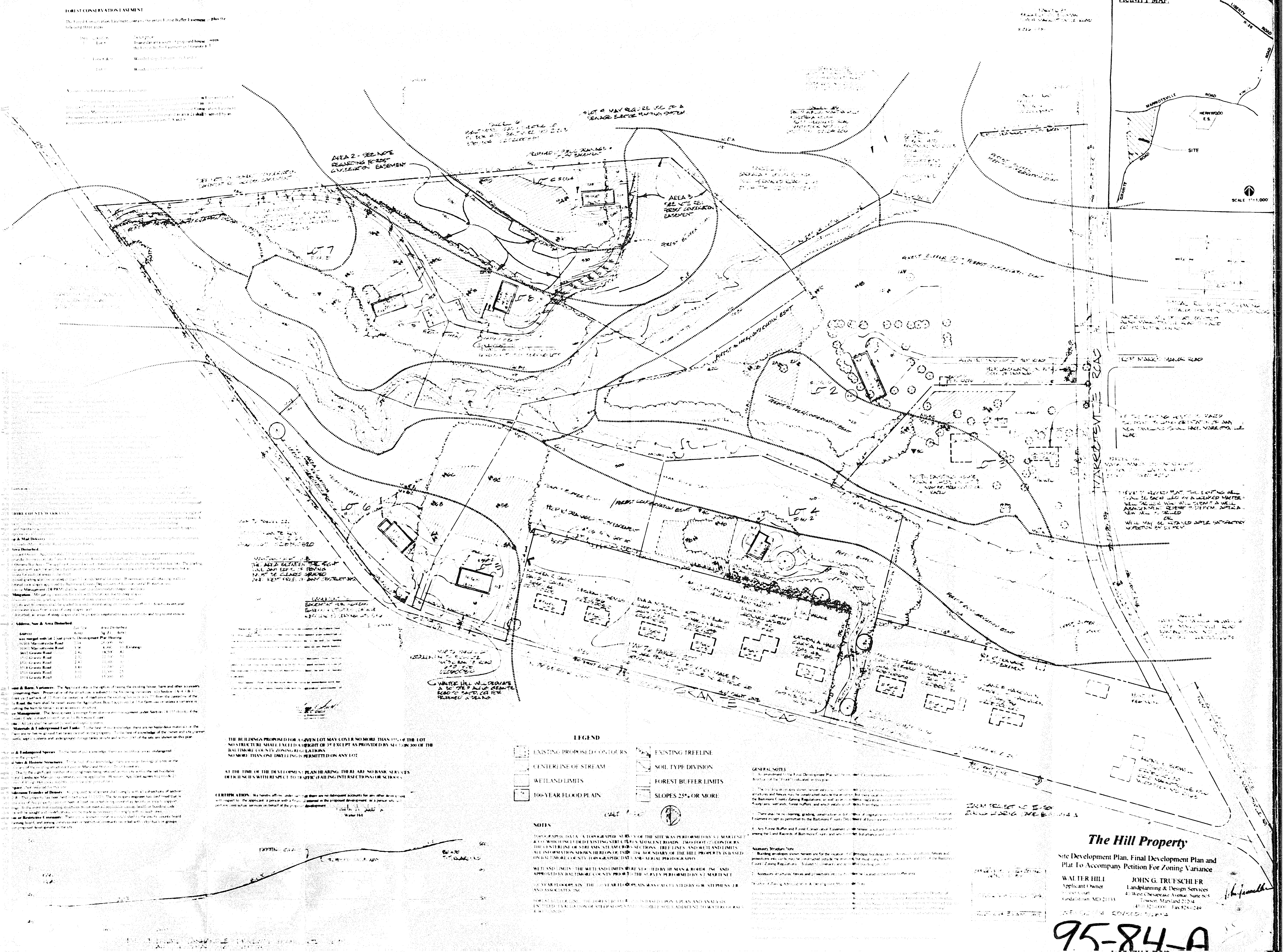
FOREST CONSERVATION EASEMENT
The Forest Conservation Easement contains the entire Forest Buffer Easement, plus the following three areas:

- | | |
|--------|--|
| Area 1 | Transfer area where proposed house, fence, driveway, etc. are located. |
| Area 2 | Transfer area where proposed house, fence, driveway, etc. are located. |
| Area 3 | Transfer area where proposed house, fence, driveway, etc. are located. |

Notes on Forest Conservation Easement

This easement is a permanent easement. The easement is subject to the following conditions:

1. The easement is subject to the following conditions:
2. The easement is subject to the following conditions:
3. The easement is subject to the following conditions:



Address	Area	Area
10000 Maryland Road	1.00	1.00
10000 Maryland Road	1.00	1.00
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Area Data

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THE BUILDING PROPOSED FOR A GIVEN LOT MAY COVER NO MORE THAN 10% OF THE LOT. NO STRUCTURE SHALL EXCEED A HEIGHT OF 35 FEET EXCEPT AS PROVIDED BY SECTION 500 OF THE BALTIMORE COUNTY ZONING REGULATIONS. NO MORE THAN ONE DWELLING IS PERMITTED ON ANY LOT.

AT THE TIME OF THE DEVELOPMENT PLAN HEARING, THERE ARE NO BASIC SERVICES DISTURBED WITH RESPECT TO TRAFFIC (INCLUDING INTERSECTION) OR NOISE.

CERTIFICATION: We hereby certify that there are no delinquent accounts for any other services with respect to the applicant or a person with a financial interest in the proposed development, or a person who performs professional services on behalf of the proposed development.

- LEGEND**
- EXISTING PROPOSED CONTOURS
 - CENTERLINE OF STREAM
 - WETLAND LIMITS
 - 100-YEAR FLOOD PLAIN
 - EXISTING TREE LINE
 - SOIL TYPE DIVISION
 - FOREST BUFFER LIMITS
 - SLOPES 25% OR MORE

NOTES

1. THIS PAPER DATA, TOPOGRAPHIC SURVEY OF THE SITE WAS PERFORMED BY ST. MARSH & CO. WHICH INCORPORATED EXISTING STRUCTURES, ADJACENT ROADS, TWO FOOT 12' CONTOURS, THE CENTERLINE OF STREAMS, STREAM CROSS SECTIONS, TREE LINES, AND WETLAND LIMITS. ALL INFORMATION SHOWN HEREON IS BASED ON THE BOUNDARY OF THE HILL PROPERTY IS BASED ON BALTIMORE COUNTY TOPOGRAPHIC DATA AND AERIAL PHOTOGRAPHS.

2. WETLAND LIMITS: THE WETLAND LIMITS WERE VERIFIED BY MANN & ROGER, INC. AND APPROVED BY BALTIMORE COUNTY PRIOR TO THE SURVEY PERFORMED BY ST. MARSH & CO.

3. 10-YEAR FLOOD PLAIN: THE 10-YEAR FLOOD PLAIN WAS CALCULATED BY J.W. STEPHENS JR. AND ASSOCIATES, INC.

4. FOREST BUFFER LIMITS: THE FOREST BUFFER LIMITS ARE BASED ON AERIAL AND ANALYSIS. EXISTING EVALUATION OF STEEP SLOPES AND SLOPES ADJACENT TO WATER COURSES AND WETLANDS.

- GENERAL NOTES**
1. The proposed development is subject to the following conditions:
 2. The proposed development is subject to the following conditions:
 3. The proposed development is subject to the following conditions:
 4. The proposed development is subject to the following conditions:
 5. The proposed development is subject to the following conditions:
 6. The proposed development is subject to the following conditions:
 7. The proposed development is subject to the following conditions:
 8. The proposed development is subject to the following conditions:
 9. The proposed development is subject to the following conditions:
 10. The proposed development is subject to the following conditions:

Accessories Structures Note

Building accessories structures are for the location of the proposed development. The proposed development is subject to the following conditions:

- 1. The proposed development is subject to the following conditions:
- 2. The proposed development is subject to the following conditions:
- 3. The proposed development is subject to the following conditions:
- 4. The proposed development is subject to the following conditions:
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- 7. The proposed development is subject to the following conditions:
- 8. The proposed development is subject to the following conditions:
- 9. The proposed development is subject to the following conditions:
- 10. The proposed development is subject to the following conditions:

The Hill Property

Site Development Plan, Final Development Plan and
Plan To Accompany Petition For Zoning Variance

WALTER HILL
Applicant Owner
10000 Maryland Road
Kendalltown, MD 21111

JOHN G. TRUESCHLER
Landplanning & Design Services
4 West Chesapeake Avenue, Suite 805
Towson, Maryland 21204
(410) 321-0000 Fax (410) 321-0001

95-84-A